



Mansfield Shire

MINUTES

Council Meeting

Tuesday 17 May 2022

Our aspiration for our Shire and its community

We live, work and play in an inclusive, dynamic and prosperous place where community spirit is strong and people are empowered to engage in issues that affect their lives.

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1. Opening of the meeting

Mayor James Tehan opened the meeting at 5:01 pm.

2. Present

- Councillor Holcombe
- Councillor Rabie
- Councillor Tehan
- Councillor Webb

In Attendance:

Acting Chief Executive Officer:	Dena Vlekkert
General Manager Infrastructure & Planning:	Kirsten Alexander
Acting General Manager Community & Corporate Services:	Anthony Smith
Manager Operations and Capital Works:	Kristian Burchet
Project Officer Operations and Capital Works:	Donald Kwan
Manager Planning and Environment:	Melissa Crane
Economic Development Officer - Tourism & Events:	Gareth McDonald
Coordinator Governance and Risk:	Moira Moss

3. Apologies

Councillor Paul Sladdin; Chief Executive Officer Kaylene Conrick.

4. Statement of commitment

Mayor James Tehan read Council's Statement and called on each Councillor to confirm their commitment:

"As Councillors of Mansfield Shire we are committed to ensuring our behaviour meets the standards set by the Mansfield Shire Councillor Code of Conduct and Councillor Charter. We will, at all times, faithfully represent and uphold the trust placed in us by the community."

5. Acknowledgement of Country

Councillor Mark Holcombe recited Council's Acknowledgement of Country:

"Our meeting is being held on the lands of the Taungurung people and we wish to acknowledge them as Traditional Owners. We would also like to pay our respects to their Elders, past and present, and Aboriginal Elders of other communities who may be here today."

6. Disclosure of conflicts of interest

Ms Dena Vlekkert Acting CEO declared a conflict of interest in respect of item 13.2.2 Planning Permit application P003/22

7. Confirmation of minutes

Councillor Steve Rabie/Councillor Rohan Webb:

THAT the Minutes of the Mansfield Shire Council meeting held on Tuesday 19 April 2022 & the Additional Meeting of Council held on 26 April 2022 be confirmed as an accurate record.

CARRIED

8. Representations

Nil

9. Notices of motion

Nil

10. Mayor's report

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL receive the Mayor's report for the period 19 April 2022 to 11 May 2022.

CARRIED

11. Reports from council appointed representatives

Councillor Rohan Webb/Councillor Steve Rabie:

THAT COUNCIL note the verbal reports provided by Councillors in relation to their representation on external Committees.

CARRIED

12. Public question time

Nil

13. Officer reports

13.1. Chief Executive Officer's report

Councillor Steve Rabie/Councillor Rohan Webb:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 19 April 2022 to 6 May 2022.

CARRIED

13.2. Infrastructure and Planning Directorate

13.2.1. Adoption of Mansfield Planning Strategy

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL:

1. Adopt the *Mansfield Planning Strategy 2022* to inform the preparation of an amendment to rezone land and develop local policies in accordance with the recommendations of the Strategy.
2. Commence preparation of a planning scheme amendment to implement the recommendations of the Strategy.

CARRIED

Acting CEO Dena Vlekkert left the meeting

13.2.2. Planning Permit Application P003/22 - Use and Development of Land For Industry (Distillery), Cellar Door and Sale and Consumption of Liquor - 126 Godwills Road Mansfield

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL, having considered all matters under Section 60 of the Planning and Environment Act 1987, determine to issue a Planning Permit, P003/22 for the Use and Development of land for a distillery (industry), cellar door and sale and consumption of liquor on Lot 2 on Plan of Subdivision 444132F, commonly addressed as 126 Godwills Road, Mansfield, In accordance with the endorsed plans and subject to the following conditions:

Amended Plans required

1. Prior to the endorsement of plans, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plan submitted to Council on 5 May 2022, Drawing No. 220236, but modified to show:
 - (a) Details of works required to upgrade the internal access
 - (b) Details of any cut/fill required to accommodate the location of all buildings and works.

Endorsed Plans Condition

2. The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.

Amenity Condition

3. The use must not detrimentally affect the amenity of the neighbourhood to the satisfaction of the Responsible Authority, including through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials; or
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Waste Management

4. Prior to the commencement of the use, a Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must include, but not limited to the following:

- a) Calculations showing the amount of waste and recycling expected to be generated;
 - b) A statement of whether the industry waste and recycling will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;
 - c) State where and when the bins will be placed for waste collection; and
 - d) Confirm that the bins will be removed from the street promptly after collection.
- When submitted and approved to the satisfaction of the Responsible Authority, the Waste Management Plan and associated notated plans will form part of this permit.

Hours of Operation

5. The use allowed by this permit must operate only between the following hours:
 - Distillery
 - Production - Monday to Sunday: 7am – 9pm
 - Tours – Monday to Sunday: 10am – 7pm
 - Tasting pods (cellar door)
 - i. Thursday to Sunday: 10am - 7pm

Maximum Number of Patrons

6. Each pod/cellar door structure may have no more than 8 persons at any one time (excluding staff).
7. Except with the written consent of the Responsible Authority, the distillery tours must not have more than 10 persons at any one time (excluding staff).

Noise

8. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021), or any other superseding regulation.

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

The recommendations of the Acoustic Report must be implemented no later than three (3) months after the date that the Responsible Authority advises in writing that it is satisfied with the report, or as otherwise agreed in writing by the Responsible Authority. The endorsed plans must also be amended within three (3) months, or as otherwise agreed in writing by the Responsible Authority, to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

External Materials

9. The external materials of the building allowed under this permit, including the roof, must be constructed of materials that are of muted colours. No materials having a highly reflective surface must be used.

For the purpose of the condition “highly reflective” includes unpainted or unpainted aluminium, zinc or similar materials. Cladding materials must be coloured or painted in muted colours.

Tree Protection

10. Prior to the commencement of works, a Tree Protection Zone must be set up around all trees within 15 metres of any works to be undertaken. The Tree Protection Zone must be established in accordance with the relevant Australian Standard and maintained until all development works are completed.
11. The owner and/or occupier of the site must ensure that, prior to the commencement of works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of trees.
12. No trenching or soil excavation is to occur within the Tree Protection Zones of retained trees unless shown on the endorsed plans without the written consent of the Responsible Authority.

Licensed Premises

13. Liquor must only be sold and consumed in the red-line area shown on the endorsed plan, to the satisfaction of the Responsible Authority.
14. Except with the prior written consent of the Responsible Authority, the consumption of alcohol on the premises must only be undertaken between the following hours:
 - (a) Thursday to Monday: 10am – 7pm

Car Parking and Access

15. Prior to the commencement of use of the building/s hereby approved, all car parking spaces and access lanes shown on the endorsed plans must be:
 - Constructed in an all weather surface;
 - Properly formed to such levels that they can be used in accordance with the plans;
 - Drained; and
 - Marked to indicate each car space and all access lanes;

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Bushfire Emergency Management Plan

16. Before the commencement of the use, a Bushfire Emergency Management Plan to satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority in consultation with the Country Fire Authority. The plan must address the following matters:
 - Site management to reduce the impact of bushfire in the area on the site;
 - Management actions during the declared Fire Danger Period;
 - Management responses to the forecast Fire Danger Rating on each day of operation, including closing the site on days of Extreme and Code Red;
 - Actions in the event of a bushfire threatening or impacting on the site, including details of the location/s for emergency assembly, evacuation and shelter-in-place (in the event that evacuation from the site is not practicable).
 - Measures to reduce the risk of fire starting on the site;
 - Transport arrangements for staff and visitors;
 - The need for any additional arrangements for persons with special needs;
 - Training for staff, visitors on emergency procedures;
 - The nature and frequency of emergency procedure exercises
 - Actions for other emergencies (non-bushfire);

- Emergency procedures including the assignment of roles and responsibilities to staff. This must include assigning responsibility for the:
 - Management and oversight of emergency procedures
 - Training of employees in emergency procedures
 - Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements
 - Accounting for all persons during the emergency procedures
 - Monitoring and review of the Emergency Plans at least annually.

Engineering Conditions

17. Appropriate measures must be implemented throughout the construction stage of development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible Authority.
18. Before the commencement of use of the cellar door/tasting pods, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - a. All stormwater discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soakwell or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority. The water tank/s (if required) must be in muted, non reflective tones to the satisfaction of the Responsible Authority;
 - b. The areas shown on the endorsed plans for vehicle access to the permitted buildings and works must be constructed in accordance with the endorsed plans and be surfaced with concrete, reinforced concrete, brick paving, gravel, crushed rock or hot mix asphalt so as to prevent mud or other debris from being carried onto the road to the satisfaction of the Responsible Authority.
19. Any damage to Council managed assets (such as roads and stormwater infrastructure) as a result of the development must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.
20. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991) to the satisfaction of the Responsible Authority.

Wastewater Conditions

21. Prior to the commencement of works associated with the toilet and kitchenette, an *Application for a Permit to Install* a septic tank system must be submitted and approved by Council prior to any installation.
22. Stormwater from the works must not be permitted to enter the effluent disposal field, septic tank or any associated wastewater infrastructure to the satisfaction of the Responsible Authority.

Goulburn-Murray Water Conditions

23. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

24. All wastewater from the kitchenette and toilet facilities must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity.
25. As required by the current EPA – Code of Practice *On-site Wastewater Management*, Publication 891.4, July 2016, the wastewater disposal area must meet minimum setback distances of 100m from the nearest waterway, 60m from any dams, 20m from any bores and 40m from any drainage lines. Reduced setbacks may be applied in accordance with the requirements of the current EPA – Code of Practice *On-site Wastewater Management*, Publication 891.4, July 2016, where wastewater is treated to a secondary standard.
26. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

Permit Expiry

27. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the date of this permit
 - b) The development is not completed and use commenced within four (4) years of the date of this permit.The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with the *Planning and Environment Act 1987*.

CARRIED

Acting CEO Dena Vlekkert rejoined the meeting.

13.2.3. Property Leasing and Licencing Policy - Adoption

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL endorse the Property Leasing and Licencing Policy 2022.

CARRIED

13.2.4. Men's Shed Lease of 17 Erril Street, Mansfield

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL:

1. Lease 17 Erril Street Mansfield, Lot 2 on Plan of Subdivision 339723, to Men's Shed Incorporated for a period of 10 Years with two (2) further terms of 10 years commencing 1 April 2022 for the permitted community use associated with the Men's Shed Incorporated.
2. Receives rental of \$1 per annum plus outgoings.

CARRIED

13.2.5. Planning Scheme Amendment - 104 Dead Horse Lane, Mansfield

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL:

1. Adopt the 104 Dead Horse Lane Rezoning Amendment, resolving to implement the proposal generally in accordance with the adopted documents through Amendment C54mans to the Mansfield Planning Scheme.
2. Request under Section 8A (2) and (3) of the Planning and Environment Act 1987 that the Minister for Planning authorise Mansfield Shire Council to prepare amendment C54mans to the Mansfield Planning Scheme that is generally in accordance with the proposal.
3. Notify the Minister for Planning that when it exhibits Amendment C54mans, Mansfield Shire Council intends to give full notification of the amendment under Section 19 of the Planning and Environment Act 1987 for a minimum statutory exhibition period of one month.
4. When authorised by the Minister for Planning, exhibit Amendment C54mans to the Mansfield Planning Scheme under Section 19 of the Planning and Environment Act 1987.

CARRIED

13.3. Community and Corporate Services Directorate

13.3.1. Targa High Country February 2022 Report

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL notes the report on the February 2022 Targa High Country event.

CARRIED

13.3.2. Highline 2022 Event Report

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL receive and note the overview of the 2022 Highline event including improvement opportunities for the 2023 event.

CARRIED

13.3.3. Tourism North East Quarterly Report 2021 - 2022 Q3 (April 2022)

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL receives and notes the Quarter 3 report from Tourism North East for 2021-2022.

CARRIED

13.3.4. Finance Report: 1 January 2022 to 31 March 2022

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL receive the Year-to-Date Finance Report for the period 1 July 2021 to 31 March 2022.

CARRIED

14. Assembly of Councillors

Councillor Steve Rabie/Councillor Rohan Webb:

THAT COUNCIL receive and note the Assembly of Councillors report for the period 13 April to 10 May 2022.

CARRIED

15. Council resolutions report

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL receive and note the Council Resolutions Register as at 5 May 2022.

CARRIED

16. Advisory and Special Committee reports

Nil

17. Authorisation of sealing of documents

Nil

18. Closure of meeting to members of the public

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL close the meeting to members of the public under Section 66(2)(a) of the Local Government Act 2020 to consider Confidential Reports in accordance with section 66(2) of the Local Government Act 2020 for reasons defined in section 19 below.

CARRIED

The Council Meeting was closed to the public at 6:35pm.

19. Confidential Reports

19.1. Mansfield Library Refurbishment Tender Award

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(g) - private commercial information, being information provided by a business, commercial or financial undertaking that:(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL:

1. Awards a lump sum contract for the Mansfield Library Refurbishment Building and Construction Stage to Lang Construction Pty Ltd in the amount of \$419,175 (ex GST);
2. Approves a 10% construction contingency amount of \$41,917 (ex GST);
3. Notes the reallocation of savings from 2021/22 building refurbishment projects in the amount of \$23,589 (ex GST); and
4. Makes this resolution public by including it within the public minutes of the Council meeting.

CARRIED

19.2. Employment Matters

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(k) - information prescribed by the regulations to be confidential information for the purposes of this definition.

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL:

1. formerly receive and note Ms Conrick's resignation finishing 8 July 2022;
2. appoint Davidson to undertake the recruitment process for its next chief executive officer at a cost of \$35,000 plus advertising costs \$8,000; and
3. make public this resolution and include it in the public minutes of the meeting.

CARRIED

20. Reopen meeting to members of the public

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL reopen the meeting to the public and resume transmission and this resolution be made public.

CARRIED

Council re-opened the meeting at 7:12 pm.

21. Close of meeting

The Council Meeting was closed at 7:13 pm.

CONFIRMED this **twenty-eight** day of **June 2022**

Mayor